

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-21 are presently pending in this case. Claims 1, 6, 8, 10-13, 18, and 20 are amended by the present amendment. As amended Claim 1, 6, 8, 10-13, 18, and 20 are supported by the original disclosure,<sup>1</sup> no new matter is added.

In the outstanding Official Action, Claims 10-12 were rejected under 35 U.S.C. §101; and Claims 1-21 were rejected under 35 U.S.C. §102(e) as anticipated by Martemyanov et al. (U.S. Patent No. 7,336,720, hereinafter "Martemyanov").

With regard to the rejection of Claims 10-12 under 35 U.S.C. §101, Claims 10-12 are amended to be tied to a particular apparatus, namely a processor. Accordingly, Claims 10-12 are in compliance with all requirements under 35 U.S.C. §101.

With regard to the rejection of Claims 1, 6, 8, 10-13, 18, and 20 as anticipated by Martemyanov, that rejection is respectfully traversed.

Amended Claim 1 recites in part:

first means for applying a predetermined transformation to the video signal to generate a transformed video signal;  
second means for applying an arithmetic coding to the transformed video signal; and  
means for counting a number of pieces of input data and output data in/from said second means;  
in a case in which the counted number of pieces of the input data or the output data exceeds a preset threshold value in a prescribed unit of encoding, the data is not taken as data to be encoded, ***the means for counting resets the counted number of pieces to zero***, and an encoding process differing from that applied by said first means is applied to the video signal.

Martemyanov describes a real-time video coding system in which transform coefficients are classified into intervals, and the appearance frequency for each interval is counted. When the sum of all frequencies in a model exceeds a threshold, the appearance

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<sup>1</sup>See, e.g., paragraphs 65-67 of the publication of the specification.

frequencies are downscaled by a factor of one half.<sup>2</sup> The outstanding Office Action cited the sum of all the frequencies of Martemyanov as “the counted number of pieces of the input data or the output data” as recited in original Claim 1.<sup>3</sup> However, as Martemyanov does not reset the sum of all the frequencies to zero when a threshold is exceeded, it only downscales the frequencies by a factor of one half, Martemyanov does not teach “in a case in which the counted number of pieces of the input data or the output data exceeds a preset threshold value in a prescribed unit of encoding, ... the means for counting resets the counted number of pieces to *zero*,” and in fact teaches to the contrary. Thus, it is respectfully submitted that Martemyanov does not teach “means for counting” as defined in amended Claim 1. Consequently, Claim 1 (and Claims 2-5 dependent therefrom) is not anticipated by Martemyanov and is patentable thereover.

Amended Claims 6 and 8 also recite in part “in a case in which the counted number of pieces of the input data or the output data exceeds a preset threshold value in a prescribed unit of encoding, ... the means for counting resets the counted number of pieces to *zero*.” As noted above, Martemyanov does not reset the sum of all the frequencies to zero when a threshold is exceeded, it only downscales the frequencies by a factor of one half. Thus, it is respectfully submitted that Martemyanov does not teach “means for counting” as defined in amended Claims 6 and 8 either. Consequently, Claims 6 and 8 (and Claims 7 and 9 dependent therefrom) are also not anticipated by Martemyanov and are patentable thereover.

Claims 10-12 recite in part “in a case in which the counted number of pieces of the input data or the output data exceeds a preset threshold value in a prescribed unit of encoding, ... the counted number of pieces is reset to zero.” As noted above, Martemyanov does not reset the sum of all the frequencies to zero when a threshold is exceeded, it only downscales the frequencies by a factor of one half. Thus, it is respectfully submitted that Martemyanov

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<sup>2</sup>See Martemyanov, column 25, lines 16-47.

<sup>3</sup>See the outstanding Office Action at page 4.

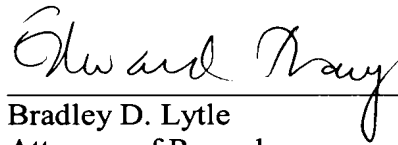
does not teach “the counted number of pieces is reset to zero” as recited in amended Claims 10-12. Consequently, Claims 10-12 are also not anticipated by Martemyanov and are patentable thereover.

Claims 13, 18, and 20 recite in part “a counter configured to count a number of pieces of input data and output data in/from said first decoder” and “in a case in which the counted number of pieces of the input data or the output data exceeds a preset threshold value in a prescribed unit of encoding, ... the counter resets the counted number of pieces to zero.” As noted above, Martemyanov does not reset the sum of all the frequencies to zero when a threshold is exceeded, it only downscales the frequencies by a factor of one half. Thus, it is respectfully submitted that Martemyanov does not teach “a counter” as recited in amended Claims 13, 18, and 20. Consequently, Claims 13, 18, and 20 (and Claims 14-17, 19, and 21 dependent therefrom) are also not anticipated by Martemyanov and are patentable thereover.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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